

Fordham Law School

FLASH: The Fordham Law Archive of Scholarship and History

Parole Interview Transcripts and Decisions

Parole Information Project

October 2019

Parole Interview Transcript & Decision - FUSL000003

Follow this and additional works at: <https://ir.lawnet.fordham.edu/trans>

Recommended Citation

"Parole Interview Transcript & Decision - FUSL000003 2013-12-17 " (2019). Parole Information Project
<https://ir.lawnet.fordham.edu/trans/12>

This Parole Document is brought to you for free and open access by the Parole Information Project at FLASH: The Fordham Law Archive of Scholarship and History. It has been accepted for inclusion in Parole Interview Transcripts and Decisions by an authorized administrator of FLASH: The Fordham Law Archive of Scholarship and History. For more information, please contact tmelnick@law.fordham.edu.

NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

BOARD OF PAROLE

Parole Board Interview

In the Matter

-of-

[REDACTED]

DIN #

NYSID #

[REDACTED]

HELD AT:

Clinton C.F.
(Video-conferenced to Albany, NY)

HELD ON:

December 17, 2013

BEFORE: Commissioner Elovich
Commissioner Johnson

REAPPEARANCE

Verbatim Reporter: A. D'Ambrosio

1 BY COMMISSIONER ELOVICH:

2 Q. Hi. Can you state your name, for the record?

3 A. [REDACTED].

4 Q. Okay. I'm Commissioner Elovich, with me today is
5 Commissioner Johnson. How are you?

6 A. Okay.

7 Q. Okay. Good. Sir, you're here for a reappearance
8 before the board. You're serving an aggregate term of 22
9 to life for a number of crimes of robbery in the first
10 degree, criminal use of firearms first, robbery first,
11 burglary first, criminal use of firearms first, robbery
12 second, criminal possession of a weapon second, robbery
13 first, robbery first, criminal use of firearms first,
14 robbery second, and murder second, is that correct?

15 A. Yes.

16 Q. Okay. And you saw the board back in November for a
17 DeNovo, correct?

18 A. Yes, yes.

19 Q. And this is a reappearance before the board. Is
20 there anything you wish to say regarding your instant
21 offenses? This appeared to be a crime spree that
22 involved gunpoint robberies mostly. One of the victims
23 died as a result of getting shot, is that correct?

24 A. Yes.

25 Q. Okay. Is there anything else you wish to say

regarding your instant offense before we move on? This was not your first brush with the law, but it was an escalation of anything that happened before this. Did you have a prior youthful offender adjudication for a weapon related offense?

A. Yes.

Q. Okay. And is that the extent of your past?

A. Yes.

Q. All right, sir. We do have the sentencing minutes in the file, the Judge at the time of sentencing was not too happy with you. He did say on page four, you had a violent past, that you had trouble from an early age with burglaries, then robberies. The probation report was not very positive according to the Judge and I'm reading from, this was Judge Aiello, and this was indictment 1000-84. The Judge then went on to say that your record revealed you to be a dangerous and violent person. You were an angry young man who lacked insight, and then went on to give you the 20 to life sentence. Is there anything that you wish to say in response to what the Judge said?

A. Not really.

Q. Okay. Tell me what you have been doing since your last board appearance, how have you been spending your time and what programs do you think have been most

1 beneficial to you?

2 A. ASAT.

3 Q. Okay. And you did complete ASAT since your last
4 board appearance, correct, I see that you completed on
5 June 30th?

6 A. Yes, I finished July 11th.

7 Q. July 11th. Okay. Why was that most beneficial?

8 A. Because I had a marijuana problem.

9 Q. Okay. While you were in prison?

10 A. Yes.

11 Q. Okay. I saw that. And you know we are going to
12 consider your behavior since your last board appearance,
13 not in its entirety, for purposes of today, but I do see
14 that you have a drug use ticket and that's before you
15 completed ASAT, right?

16 A. Yes.

17 Q. And that was marijuana as well?

18 A. Yes.

19 Q. Okay. You got 90 days S.H.U. for that, that was at
20 Wende?

21 A. Yes.

22 Q. Okay. You also, prior to that, had completed A.R.T.
23 back in 2010?

24 A. Yes.

25 Q. Okay. And how else have you been spending your time?

1 A. Working.

2 Q. As a porter?

3 A. Yes.

4 Q. Okay. All right.

5 A. There's not many jobs that they have around the
6 facility, so the only thing you can do is porter.

7 Q. Okay. Now, we have your COMPAS re-entry risk
8 assessment form in the file, it outlines your overall
9 risk to the community, as well as your criminogenic needs
10 in the community, which go toward your conditions. Have
11 you reviewed your COMPAS instrument and are you satisfied
12 with it?

13 A. Yes.

14 Q. It scores you as a low overall risk. It lists
15 re-entry substance abuse as highly probable and that is
16 likely due to your drug use in prison, so that is
17 something that you will continue to work on whether you
18 are inside or outside?

19 A. Yes.

20 Q. And it also has prison misconduct as high, which that
21 relates to that as well. If you were released, where
22 would you live and how would you support yourself?

23 A. Well, I got the Osbourne Society, they are claiming
24 they will help me with a job, and if I can't go to Puerto
25 Rico, I will live in Brooklyn with my mother.

1 Q. And your grandmother is in Puerto Rico?

2 A. Yes.

3 Q. So, you would speak to the parole officer about
4 getting an interstate transfer to Puerto Rico based on
5 the fact that you have a family member there. If you had
6 a job waiting for you there, that would help as well.
7 Okay. Do you have any job offers here in New York?

8 A. With the Osbourne, I got an offer with them and I got
9 a friend of mine that works for the sewer company who has
10 a job for me if I get released, I can work with him.

11 Q. Okay. Is there anything else that I have not
12 mentioned that you think would be important for us to
13 know?

14 A. Besides all the letters of recommendation that I got,
15 no.

16 Q. And we will consider your letters of recommendation
17 and support when making our decision, okay?

18 A. Okay.

19 Q. Is there any letter of recommendation which stands
20 out the most that you would like to highlight for us?

21 A. The first one I ever got was from 2005 from the mayor
22 of Puerto Rico, he said if I was released, he has work
23 for me.

24 Q. Okay. We'll consider that.

25 COMMISSIONER JOHNSON: The mayor of

Puerto Rico said what?

INMATE: If I was released, he would have work for me.

COMMISSIONER JOHNSON: Okay. Thank you.

Q. Okay. We will consider that, sir, make a decision and get back to you shortly. Thank you.

A. All right. You're welcome.

(After due deliberation by the Parole Board Panel, the following decision has been rendered:)

DECISION

Denied 24 months. Next appearance 10/2015. After review of the record and interview, the panel has determined that if released at this time your release would be incompatible with the welfare of society and would so deprecate the serious nature of the crime as to undermine respect for the law. The Board has considered your institutional adjustment including discipline and program participation. Required statutory factors have been considered, including your risk to society, rehabilitation efforts and your needs for successful re-entry into the community. Your release plans have also been considered. More compelling, however, is your crime spree of gunpoint robberies, one of which resulted in the death of a victim. These crimes are an escalation of negative conduct that includes a youthful offender adjudication for a weapon related offense. Since your last board appearance, you incurred a disciplinary infraction for drug use. The board notes your completion of ASAT, A.R.T., work as a porter, and letters of support. All factors considered, your release at this time is not appropriate.

(All Commissioners concur.)

C E R T I F I C A T I O N

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the above cause and that this is a correct transcript of the same to the best of my ability.

Anthony Dambrosio

Anthony D'Ambrosio, CSR

 INMATE COPY NYS Dept. of Corrections and Community Supervision Date: 02/18/14
 FORM 9026 Parole Board Release Decision Notice

Name: [REDACTED]
 DIN: [REDACTED]
 Nysid: [REDACTED]
 Facility: CLINTON
 Interview Date: 12/17/2013
 Interview Type: REAPPEAR

ME Date: LIFE
 CR Date: NONE
 Prev Hold: 24

CONTROLLING CONVICTION(s)	ATTEMPT	FLCL	MIN SENT (YY-MM)	MAX SENT (YY-MM)
ROBBERY-1 >78*	NO	B	02-00	06-00
CRM USE F/ARM1*	NO	B	02-00	06-00
ROBBERY-1 >78*	NO	B	02-00	06-00
BURGLARY-1>78*	NO	B	02-00	06-00
CRM USE F/ARM1*	NO	B	02-00	06-00
ROBBERY-2 >78*	NO	C	02-00	06-00
CPW-2 >78*	NO	C	02-00	06-00
ROBBERY-1 >78*	NO	B	02-00	06-00
ROBBERY-1 >78*	NO	B	02-00	06-00
CRM USE F/ARM1*	NO	B	02-00	06-00
ROBBERY-2 >78*	NO	C	02-00	06-00
MURDER-2*	NO	A	20-00	LIFE

Sentencing Counties: KINGS

Jail Time in Days: 0335
 Prison Time in Months: 347

OFFENSE SCORE

Felony Class: A
 Weapon Involvement: YES
 Forcible Contact: DEATH

PRIOR CRIMINAL HISTORY SCORE

Misdemeanor Convictions: 0 THRU 2
 Jail Terms: 0 THRU 1
 Felony Convictions: 1
 Prison Terms: 0
 Probation/Parole Revocations: NO
 On Probation/Parole: YES
 Guideline Ranges: UNSPECIFIED

I N M A T E C O P Y

Name: [REDACTED]
DIN: [REDACTED]
Nysid: [REDACTED]

Facility: CLINTON
Interview Date: 12/17/2013
Interview Type: REAPPEAR

Earned Eligibility Certificate : INELIGIBLE
Supervision Fee: ELIGIBLE
Certificate of Relief from Disability: INELIGIBLE

Parole Decision:
DENIED - HOLD FOR 24 MONTHS, NEXT APPEARANCE DATE: 10/2015

Conditions of Release/Staff Instructions/Reasons for Denial:

AFTER A REVIEW OF THE RECORD AND INTERVIEW, THE PANEL HAS DETERMINED THAT IF RELEASED AT THIS TIME, YOUR RELEASE WOULD BE INCOMPATIBLE WITH THE WELFARE OF SOCIETY AND WOULD SO DEPRECATE THE SERIOUS NATURE OF THE CRIME AS TO UNDERMINE RESPECT FOR THE LAW.

THE BOARD HAS CONSIDERED YOUR INSTITUTIONAL ADJUSTMENT INCLUDING DISCIPLINE AND PROGRAM PARTICIPATION. REQUIRED STATUTORY FACTORS HAVE BEEN CONSIDERED, INCLUDING YOUR RISK TO SOCIETY, REHABILITATION EFFORTS AND YOUR NEEDS FOR SUCCESSFUL RE-ENTRY INTO THE COMMUNITY. YOUR RELEASE PLANS HAVE ALSO BEEN CONSIDERED. MORE COMPELLING, HOWEVER, IS YOUR CRIME SPREE OF GUN POINT ROBBERIES, ONE OF WHICH RESULTED IN THE DEATH OF A VICTIM. THESE CRIMES ARE AN ESCALATION OF NEGATIVE CONDUCT THAT INCLUDES A Y.O. ADJUDICATION FOR A WEAPON RELATED OFFENSE. SINCE YOUR LAST BOARD APPEARANCE, YOU INCURRED A TIER 3 DISCIPLINARY INFRACTION FOR DRUG USE.

THE BOARD NOTES YOUR COMPLETION OF ASAT, ART, WORK AS A PORTER AND LETTERS OF SUPPORT.

ALL FACTORS CONSIDERED, YOUR RELEASE AT THIS TIME IS NOT APPROPRIATE.

* * * * *

I N M A T E C O P Y

* * * * *

Name: [REDACTED]
DIN: [REDACTED]
Nysid: [REDACTED]

Facility: CLINTON
Interview Date: 12/17/2013
Interview Type: REAPPEAR

Comments:

(HOLD FROM 10/13)

FOLLOWING DELIBERATION, THIS DECISION IS BASED ON REVIEW OF THE CASE RECORD AS
WELL AS THE INTERVIEW WITH PAROLE BOARD MEMBERS.

FPO II : GARRY DANUSSI

I N M A T E C O P Y
